

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, August 10, 2011

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., August 10, 2011, in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Heavey, Kosko, and Schlottman.

OTHERS PRESENT: Councilwoman Sandra Landbeck, City Council liaison
Phyllis Grover, Director of Planning & Community
Development
Steve Wallis, City Engineer
Lt. Kirk Bane, Aberdeen Police Department
Gil Jones, Recording Secretary

The minutes of the June 8, 2011, meeting were approved, with one change - an apostrophe was requested for the word "homeowner's" on page 5.

AGENDA ITEMS:

1. Review and discuss proposed amendments to Chapter 470, Streets and Sidewalks, Code of the City of Aberdeen

Mrs. Grover indicated the document before the Commission incorporates previous Planning Commission comments. Additional comments were received from the Chairman, Mrs. Heavey, and Mr. Hersh and included in this document.

Mrs. Kosko indicated she has a number of comments. She also looked at the Harford County Road Code and found conflicts in definitions between it, the County Code, and the City Code. She would like to re-arrange some of these definitions to make it easier for the reader. There are also some references from the Road Code to the County Zoning Code and County Transportation Plan and back to the Road Code. She questioned whether all of the definitions were consistent one to the other and with the City Code. She requested some additional time for review. Mrs. Grover said this would be fine, that Mrs. Kosko may also want to meet with members of the City Department of Public Works (DPW) regarding the Road Code. Mrs. Kosko concurred with the DPW Director's previously stated desire to not get "too far into the weeds" over the Road Code, but feels that if it affects the Planning Commission's review and our Code, it needs to be considered.

Mrs. Heavey asked about the 5-foot width for a residential sidewalk. Mrs. Grover and Mr. Wallis said this is per the Americans with Disabilities Act (ADA).

Mr. Swisher feels it needs to be clear in this document as to who is responsible for sidewalks, litter language, and overall responsibility and authority. Mrs. Kosko felt the litter and minor infractions language should be pulled together.

Mrs. Grover said the language regarding resident responsibility for sidewalks has been removed per direction of the City Manager. In addition, the amended chapter will not move forward until all comments have been received and processed.

2. Review draft text amendment to Chapter 235, Development Code – Table of Use Regulations, Code of the City of Aberdeen, to allow medical services as a principal permitted use in an M-1 zoning district

Representatives: Robert Kahoe, attorney, 9 South Hickory Avenue, Bel Air, Maryland, and Lawanda Edwards-Perkins and Charles Benjamin, Changing Hands Counseling Services.

Mr. Kahoe indicated he was coming before the Planning Commission on behalf of his client, Changing Hands Counseling Services, to request a text amendment to the Development Code. This is an outpatient treatment program providing addiction counseling and methadone distribution. There would be staff of 9 persons on site. The plan would be to locate at 1232 South Philadelphia Boulevard, the former location of M.A.T.T. Services, a similar type of service provider. The Development Code changed some years ago so that medical services are no longer a permitted use in an M-1 zoning district. Therefore, Mr. Kahoe's client is asking for a recommendation from the Commission to the City Council for a text amendment to allow such a use.

Mrs. Grover asked about the hours of operation. Mr. Kahoe said these would be 6:30 a.m. to 4:30 p.m. Monday through Friday, and 8:00 a.m. to 10:00 a.m. on Saturday. There would be a doctor on staff and medical and counseling services would be provided, including those for DUI and DWI. Ms. Edwards-Perkins said there would be a medical doctor, 2 nurses, 2 clinical coordinators, and 3 case managers on-site. Mr. Kahoe said Changing Hands Counseling Services would use the entire building, that there would be no other tenants in the building.

Mrs. Grover gave a brief history of medical services and M-1 zoning. This use was not allowed in M-1 from the beginning of zoning in Aberdeen in 1957 until 1992. In 1992, medical clinics were permitted in M-1. In 2006, the Code was amended to disallow medical clinics in M-1, but allow them in B-1, B-2, and B-3 districts.

Mrs. Grover compared uses and purposes between B-3 and M-1 districts. It was conveyed to the Commission that Ashley runs a similar treatment center on West Bel Air Avenue, in a B-2 district. Mrs. Grover also read the description of an M-1 zoning district from the Development Code.

Mrs. Heavey asked which building in the complex would be used. Ms. Edwards-Perkins said it would be the first building on the left as you turn in off Route 40. The building on the end would be used for transitional housing and a homeless shelter. This, in total, would comprise an overall wellness center. Mrs. Heavey said that nothing in the way of residential use was indicated in the submittals to the Commission. Ms. Edwards-Perkins said that aspect would be undertaken some

time in the future. Additional discussion ensued over the location of the building on this property and its proximity to the church in the same complex.

Mrs. Kosko said that, according to her research, this location houses Anchored in Christ Charities (AICC). Mr. Kahoe said Michael Ainsworth is a principal in Changing Hands Counseling Services and is affiliated with AICC, but there is no common ownership between the 2 organizations and AICC, as they have been told, is not operating in this building.

Mrs. Kosko asked if the intent would be to use all of the 20,000 square feet in this building. Mr. Kahoe said eventually they would, once the need is there. Mrs. Kosko asked if the remaining area of the building would be held vacant until needed. Mr. Kahoe said he couldn't speak for the landlord, but the indication is the entire space will be available.

Mr. Schlottman asked Mrs. Grover if there were anything in the minutes as to why this use was changed from permitted to not permitted. Mrs. Grover felt the intent was probably to maintain the integrity of the M-1 district, within that definition. Mr. Schlottman sees no problem in allowing this use in the M-1. He asked if this would be setting a precedent. Councilwoman Landbeck said a precedent was set for the auction house. Mrs. Kosko said once this is changed it would be allowed in all M-1 areas. Mrs. Heavey suggested considering this use as a special exception in an M-1.

Mr. Swisher asked the nature of the organization previously housed in this building. Mr. Kahoe said it was a methadone clinic. Ms. Edwards-Perkins said this was for substance abuse maintenance. Her organization takes an holistic approach, dealing with recidivism. In this program, the addict should be off drugs in 6 months. Mr. Swisher asked how long the previous group was there. Mrs. Grover said they were there for about 4 years before moving to Belcamp. Mr. Swisher asked what other things Ms. Edwards-Perkins group does. Ms. Edwards-Perkins said they also do alcohol and mental health counseling.

Mr. Swisher asked about transportation to the site. Ms. Edwards-Perkins said the site is served by Harford County Transit and the Upper Chesapeake Healthlink. Mr. Swisher asked about parking. Ms. Edwards-Perkins said there is plenty pf parking. She added that loitering would not be allowed, that things would be done in a proper fashion.

Mr. Swisher asked Ms. Edwards-Perkins to describe "holistic." Ms. Edwards-Perkins said this approach takes into account the mental, physical, and spiritual aspects of the individual. The spiritual part is meant to bring out the best in the individual, not necessarily from a religious standpoint.

Mrs. Grover asked if Changing Hands for Humanity was a not-for-profit entity. Ms. Edwards-Perkins said that Changing Hands for Humanity is a for-profit entity; Changing Hands Counseling Services is a not-for-profit entity. Mrs. Grover indicated this is different from what is stated in their letter to her. Upon further inquiry by Mrs. Grover, Ms. Edwards-Perkins then stated the opposite. Mr. Kahoe said his initial letter to the Commission was correct, the follow-up letter was not.

Mrs. Heavey asked Lt. Bane about current statistics on addiction problems in Harford County. Lt. Bane said that heroin is not a big problem in Aberdeen, ours is more with crack cocaine,

prescription drugs, and marijuana. Fallston, Jarrettsville, and other areas toward Baltimore County have a bigger problem with heroin. We have users and addicts in Aberdeen, but, again, more so with crack and prescription drugs. Ms. Edwards-Perkins said most of her clients would be from Harford County, with some from Cecil County and White Marsh. Ms. Edwards-Perkins concurred with Lt. Bane's view of addiction in Aberdeen. She also indicated her organization would be servicing roughly 150 clients on a daily basis.

Mr. Swisher asked Mrs. Grover if there are already similar facilities in Aberdeen. Mrs. Grover cited Ashley outpatient on West Bel Air Avenue. Ms. Edwards-Perkins said there are 3 other such facilities in Harford County – Serenity on West Bel Air Avenue in Aberdeen, the M.A.T.T. Clinic at Riverside, and the Harford County Health Department in Bel Air.

Motion by Mr. Schlottman, seconded by Mrs. Kosko, to approve the change to allow medical services in an M-1 zoning district. Motion failed, 3-1 (Mr. Schlottman voting yes, Chairman Swisher not voting).

3. Other Business

Councilwoman Landbeck reported on City Council actions related to Planning Commission decisions. The Council approved the Grace Methodist Church site plan and expansion on August 8. In a previous meeting, the Aberdeen Xchange project was also approved by the Council, even though the Commission was unanimous in its rejection of this project. The Council approved the project because the applicants complied with every element of the City's Wellhead Protection and Development Codes. The Harford County Wellhead Code is not legally binding in the City limits. The applicants will also be using a state-of-the-art triple-lined tank at this location. In addition, the City will undertake to look again at its Wellhead Protection ordinance. Councilwoman Landbeck wishes the County had come to us 20 years ago when they were formulating their wellhead regulations; we may have looked at this area as well. Overall, it was felt there was no legal reason to deny this project.

Mrs. Heavey cited the Limitations, Guides, and Standards section of the Development Code as a basis for ruling against this project. Councilwoman Landbeck acknowledged the language in this part of the Code and that it has been cited in rejection of previous projects, but the Council felt it did not apply in this case. Additional discussion ensued over wellhead protection, history, not knowing of this part of the County's wellhead when the City's ordinance was adopted, and who knew what when.

There being no further business or public comment, the meeting was adjourned at 8:00 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval